

MONTANA LEGISLATIVE HISTORY

Chapter 98 19 93

Bill H 18 S _____ Original bill & history C

H. Committee on Human Services & Aging

Hearing Date(s) Jan 06 ✓ C

Jan 08 ✓ C

_____ C

_____ C

Date Out Jan 11 ✓ C

S. Committee on Public Health, Welfare & Safety

Hearing Date(s) Jan 22 ✓ C

Jan 25 ✓ C

_____ C

_____ C

Jan 25 ✓ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

1/07 FISCAL NOTE RECEIVED
 1/07 FISCAL NOTE PRINTED
 1/20 HEARING
 2/12 HEARING
 3/05 TABLED IN COMMITTEE

HB 17 INTRODUCED BY S. RICE

REVISE PETROLEUM AND LIQUEFIED PETROLEUM DEALER LICENSE FEES
 BY REQUEST OF DEPARTMENT OF COMMERCE

12/23	INTRODUCED		
12/30	REFERRED TO HIGHWAYS & TRANSPORTATION		
12/31	FISCAL NOTE REQUESTED		
1/04	FIRST READING		
1/06	HEARING		
1/08	FISCAL NOTE RECEIVED		
1/08	FISCAL NOTE PRINTED		
1/12	COMMITTEE REPORT—BILL PASSED		
1/16	TAKEN FROM 2ND READING AND REREFERRED TO TAXATION		
3/20	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/27	2ND READING PASSED AS AMENDED	67	28
3/30	3RD READING PASSED	69	31
	TRANSMITTED TO SENATE		
4/01	FIRST READING		
4/01	REFERRED TO TAXATION		
4/06	HEARING		
4/06	COMMITTEE REPORT—BILL CONCURRED		
4/08	2ND READING CONCURRED	21	20
4/12	3RD READING CONCURRED	31	17
	RETURNED TO HOUSE		
4/19	SIGNED BY SPEAKER		
4/20	SIGNED BY PRESIDENT		
4/21	TRANSMITTED TO GOVERNOR		
4/24	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 498		
	EFFECTIVE DATE: 04/24/93—SECTIONS 2 & 3		
	EFFECTIVE DATE: 01/01/94—SECTION 1		

HB 18 INTRODUCED BY R. JOHNSON

ESTABLISH FAMILY POLICY ACT TO GUIDE STATE GOVERNMENT ACTIONS
 THAT IMPACT CHILDREN AND FAMILIES
 BY REQUEST OF JOINT INTERIM SUBCOMMITTEE ON CHILDREN AND
 FAMILIES

12/23	INTRODUCED		
12/30	REFERRED TO HUMAN SERVICES & AGING		
1/04	FIRST READING		
1/06	HEARING		
1/08	HEARING		
1/11	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/13	2ND READING PASSED	81	18
1/14	3RD READING PASSED	80	18
	TRANSMITTED TO SENATE		
1/16	FIRST READING		
1/16	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
1/22	HEARING		
1/26	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
1/27	2ND READING CONCURRED	47	0
1/28	3RD READING CONCURRED	45	0

	RETURNED TO HOUSE WITH AMENDMENTS		
3/03	2ND READING AMENDMENTS CONCURRED	93	5
3/05	3RD READING AMENDMENTS CONCURRED	83	16
3/12	SIGNED BY SPEAKER		
3/12	SIGNED BY PRESIDENT		
3/15	TRANSMITTED TO GOVERNOR		
3/18	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 98		
	EFFECTIVE DATE: 10/01/93		

HB 19 INTRODUCED BY R. JOHNSON
 ESTABLISH JOINT OVERSIGHT COMMITTEE ON CHILDREN AND FAMILIES
 BY REQUEST OF JOINT INTERIM SUBCOMMITTEE ON CHILDREN AND
 FAMILIES

12/23	INTRODUCED		
12/30	REFERRED TO HUMAN SERVICES & AGING		
1/04	FIRST READING		
1/06	HEARING		
1/08	HEARING		
1/11	COMMITTEE REPORT—BILL PASSED		
1/12	2ND READING PASSED	61	37
1/12	TAKEN FROM ENGROSSING AND REREFERRED TO APPROPRIATIONS		
2/15	REREFERRED TO JOINT SUBCOMMITTEE ON INSTITUTIONS AND CULTURAL EDUCATION		
3/10	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/13	2ND READING PASSED	77	21
3/16	3RD READING PASSED	78	20
	TRANSMITTED TO SENATE		
3/18	FIRST READING		
3/18	REFERRED TO FINANCE & CLAIMS		
3/24	HEARING		
3/25	COMMITTEE REPORT—BILL CONCURRED		
3/26	2ND READING CONCURRED	49	0
3/27	3RD READING CONCURRED	44	4
	RETURNED TO HOUSE		
4/02	SIGNED BY SPEAKER		
4/06	SIGNED BY PRESIDENT		
4/07	TRANSMITTED TO GOVERNOR		
4/12	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 301		
	EFFECTIVE DATE: 07/01/93		

HB 20 INTRODUCED BY MENAHAN
 ABOLISH CAPITOL BUILDING AND PLANNING COMMITTEE AND REASSIGN
 FUNCTIONS
 BY REQUEST OF LEGISLATIVE COUNCIL

12/23	INTRODUCED		
12/30	REFERRED TO STATE ADMINISTRATION		
1/04	FIRST READING		
1/05	HEARING		
1/08	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/12	2ND READING PASSED	97	0
1/13	3RD READING PASSED	99	0
	TRANSMITTED TO SENATE		
1/15	FIRST READING		
1/15	REFERRED TO STATE ADMINISTRATION		
1/21	HEARING		

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES & AGING

Call to Order: By CHAIRMAN BILL BOHARSKI, on January 6, 1993, at
3:00 p.m.

ROLL CALL

Members Present:

Rep. Bill Boharski, Chairman (R)
Rep. Stella Jean Hansen, Vice Chair (R)
Rep. Bruce Simon, Vice Chairman (R)
Rep. Beverly Barnhart (D)
Rep. Ellen Bergman (R)
Rep. John Bohlinger (R)
Rep. Tim Dowell (D)
Rep. Duane Grimes (R)
Rep. Brad Molnar (R)
Rep. Sheila Rice (D)
Rep. Angela Russell (D)
Rep. Tim Sayles (R)
Rep. Liz Smith (R)
Rep. Carolyn Squires (D)
Rep. Bill Strizich (D)

Members Excused: Rep. Tom Nelson

Members Absent: None

Staff Present: David Niss, Legislative Council
Alyce Rice, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 18, HB 19
Executive Action: None

HEARING ON HB 18

Opening Statement by Sponsor:

REP. ROYAL JOHNSON, House District 88, Billings, said that the current way the state of Montana is handling the well-being of abused or neglected children is very expensive. HB 18 would

intervene and help the family cope with the problems of every day life, such as the overwhelming financial responsibility. This bill would provide the necessary tools to help a family cope with everyday stress. In the long run this would be a less expensive process than waiting until the child or children are abused or neglected. This bill forces the state to provide a foster home to these children. The state should intervene before the actual abuse occurs. The committee was asked to consider carefully what the bill is truly trying to do. This bill, at this particular moment, does not have a financial impact on the state of Montana, however, it will have a long lasting impact on what direction we pursue, how we pursue that direction, and when we get underway in doing it. This is one of the most expensive programs that Montana has and it should be managed properly.

Proponents' Testimony:

Gary Walsh, Department of Family Services, (DFS), said policies and guidelines set forth in this act are very relevant to the activities and functions of DFS. Two current legal mandates for the department that are relevant to this bill are to provide protective services to ensure the health, welfare and safety of children who are at risk of abuse, neglect or exploitation, and to provide for the care, protection, and development of youth who are in need of supervision, or delinquent youth. The policy set forth in this bill is consistent with the activities of the child welfare system. The DFS supports the establishment of a full range of services for children and families. The bill has the potential to strengthen those interagency efforts that are currently under way and will allow and encourage the agencies to work toward a more comprehensive, coordinated system for services to children and families. The DFS supports HB 18. Written testimony. EXHIBIT 1.

Jeanne Kemmis, Montana Council for Families Written testimony. EXHIBIT 2.

Fred Fisher, Board of Crime Control, stated Board supports HB 18. All the law enforcement professionals, human services providers, and prevention service providers firmly believe in the ideals that are contained in this bill. We all benefit when families are functioning effectively. The bill provides the BOCC and other public and private agencies with a very well developed set of guiding principals and lends a lot of sanction and legitimacy to the efforts that have gone on until this point. In a recent conference in Missoula, a discussion was held about what the participants would like the youth justice system to look like in the year 2000. Most of the ideals and principals that are contained in this bill were stated at that conference as the goals of the youth justice system.

Harley Warner, Montana Association of Churches, said that in 1991, the Association of Churches, at their annual assembly,

adopted the position paper entitled Strengthening Families.

EXHIBIT 3. The Montana Association of Churches does support the family policy act because it stands to reason they are in favor of strengthening the family. They believe that this is a step in the right direction.

Sharon Hoff, Director, Montana Catholic Conference, stated that in the Catholic Church, the family is the basic structural unit, and that anything one could do to strengthen the family and encourage the prevention of abuse of children would be supported by the conference.

Paulette Kohman, Executive Director, Montana Council for Maternal and Child Health (MCMCH), stated that the members of this organization are primarily professional groups and non-profit health organizations across the state. MCMCH supports HB 18.

Jeana-Marie Fiumefreddo, Montana Council for Families. EXHIBIT 4.

Elizabeth Dane, Director, National Association of Social Workers in Montana, stated that as a parent one would experience a wide range of emotions raising a child. These emotions range from joy and excitement to rage, fury, and frustration. A lot of us have the resources to cope with these emotions when they become overwhelming, others of us don't. She said she supports the family policy bill because it is a critical time in both the state and the nation in terms of fiscal issues and fiscal constraints. It's critically important to have guiding policies at state level to serve as a basis for setting program priorities when there are fiscal constraints. The family policy act offers the state an opportunity to exert strong leadership to promote the preservation of families in Montana. The benefits will be many. It's a unique opportunity to establish a framework for determining priorities for families and children in this state. Establishing a force at the state level will support both volunteer and public efforts in a way that cannot be measured and cannot be bought.

REP. TIM DOWELL, stated that the government cost issue is one that the legislature faces every session. He said one could find ways through the support of this bill and through accompanying legislation that would be seen later and probably in years to come. A dollar spent today will save many dollars in the future.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

REP. SHEILA RICE asked REP. JOHNSON why the bill requires that only one written report be sent to the 54th Legislature, shouldn't this be something that would go on year after year or

would it end at the 54th Legislature. REP. RICE referred to page 4, line 6 of the bill. REP. JOHNSON told REP. RICE that she was looking at HB 19 instead of HB 18.

REP. MOLNAR asked Mr. Walsh, DFS, if written legislation was needed to change the policy to provide the services that are called for in the bill since there is no fiscal note attached to the bill and there isn't any more money to accomodate these changes. Mr. Walsh replied that legislation is not needed, but what this bill does is set forth the framework for all state agencies to work towards the same end and that is what is needed.

REP. SIMON asked Mr. Walsh what sort of problems in regard to "turf" might be encountered such as to who is in charge, when working with different agencies. Mr. Walsh said that there would be some turf problems but feels the agencies have come a long way in terms of working together.

REP. SIMON asked Mr. Walsh if the three mandates listed for the department were the total mandates. Mr. Walsh said they were the basic legal mandates. There are other mandates. REP. SIMON noted that the word family wasn't mentioned by the DFS in any of their mission. Mr. Walsh replied that the word family would be in the legislation to set forth the duties of the family services agency.

REP. MOLNAR asked REP. JOHNSON about lines 21 through 25 on page 3 and lines 1 and 2 on page 4 of the bill dealing with services which include prenatal care, parenting education, parent aides, child care, etc., and wondered if even the smallest communities would want day care centers and parental aides based on this bill which could mean a large fiscal bill a year from now. REP. JOHNSON replied that what they really tried to do was point the arrow in the direction they wanted to go by this type of legislation.

CHAIRMAN BOHARSKI asked REP. JOHNSON what he thought about changing the language on page 3, lines 18 through 20 of the bill. He was concerned that a situation could occur where someone would say the law said the services were there for them and they were not there for them and could take it to court. CHAIRMAN BOHARSKI said he had discussed the concern with the staff attorney and that perhaps the sentence starting on line 18 of the bill could say "the state shall promote the following policies and objectives". REP. JOHNSON said to look on the last page of the bill, which says in part "and do not compel a specified level of services". He said the state already provides a great number of these services. CHAIRMAN BOHARSKI said that in discussing this with the attorneys, he was not sure they were convinced and suggested that after the word services, adding "or create a private right of action to enforce the requirement for the service contained in another law". REP. JOHNSON said if the committee agreed he didn't have any problem with it at all.

Closing by Sponsor:

REP. ROYAL JOHNSON closed.

HEARING ON HB 19Opening Statement by Sponsor:

REP. ROYAL JOHNSON, House District 88, Billings, said HB 19 establishes a joint oversight committee on children and families. The committee needs to continue and needs \$20,000 funding. He said there are five committees in DFS around the state and they need to increase the size of those committees. Only seven people are allowed on each committee now. The bill increases the number to thirteen. He said when you put eight legislators on a committee, you get some action. He asked the committee to look favorably on the bill.

Proponents' Testimony:

Harley Warner, Montana Association of Churches (MAOC) said the MAOC supports HB 19. He said the committees should continue because there is still a lot of work to be done.

Gary Walsh, DFS said during the time the committee was operating, DFS testified before it and found that it was effective to present information in terms of where DFS was at regarding some initiatives they had going. DFS supports HB 19.

Jeanne Kemmis, Montana Council for Families, said there is a need for strong leadership which the legislature could provide.

Paulette Kohman, Executive Director, Montana Council for Maternal Child and Health Care said that the money is needed for good leadership.

Joan-Nell Macfadden, DFS and Mental Health Association of Montana (MHAM), said that HB 19 provides input and thorough review by legislators on children and family interests.

Elizabeth Dane, Montana Chapter of Social Workers said legislators being involved adds power, stature, prestige, and drive to the coordination of these efforts.

Opponents' Testimony:

None

Questions from Committee Members:

REP. MOLNAR asked REP. JOHNSON if it wouldn't be preferable

HOUSE OF REPRESENTATIVES
HUMAN SERVICES AND AGING COMMITTEE

ROLL CALL

DATE

1-6-93

NAME	PRESENT	ABSENT	EXCUSED
REP. BILL BOHARSKI, CHAIRMAN	✓		
REP. BRUCE SIMON, VICE CHAIRMAN	✓		
REP. STELLA JEAN HANSEN, V. CHAIR	✓		
REP. BEVERLY BARNHART	✓		
REP. ELLEN BERGMAN	✓		
REP. JOHN BOHLINGER	✓		
REP. TIM DOWELL	✓		
REP. DUANE GRIMES	✓		
REP. BRAD MOLNAR	✓		
REP. TOM NELSON			✓
REP. SHEILA RICE	✓		
REP. ANGELA RUSSELL	✓		
REP. TIM SAYLES	✓		
REP. LIZ SMITH	✓		
REP. CAROLYN SQUIRES	✓		
REP. BILL STRIZICH	✓		

DEPARTMENT OF FAMILY SERVICES

EXHIBIT 1
DATE 1-6-93
HB 18



MARC RACICOT, GOVERNOR

(406) 444-5900
FAX (406) 444-5956

STATE OF MONTANA

HANK HUDSON, DIRECTOR
JESSE MUNRO, DEPUTY DIRECTOR

PO BOX 8005
HELENA, MONTANA 59604-8005

January 6, 1993

House Bill No. 18

AN ACT ESTABLISHING THE MONTANA FAMILY POLICY ACT TO GUIDE
STATE GOVERNMENT ACTIONS THAT IMPACT CHILDREN & FAMILIES

Submitted by Gary Walsh
Department of Family Services

The legal mandate for the Department of Family Services is to:

- (1) provide protective services to ensure the health, welfare, and safety of children and adults who are in danger of abuse, neglect, or exploitation within communities;
- (2) provide for the care, protection, and mental and physical development of youth alleged to be youth in need of supervision or delinquent youth who are referred to the Department; and
- (3) provide supportive services to enable senior citizens to maintain their independence.

The goals of family preservation services and child protective services are compatible. It is possible for child welfare staff to engage families around the needs of their children. This Act is consistent with how the Department views its mission and agency philosophy. The Department intends to continue to incorporate the public policy and philosophy as stated in this legislation into its planning and management processes.

The Department of Family Services supports the establishment of a range of services to children and families. It should be noted that the range of family support services identified in section 2 on page 3 are the collective responsibility of the state's Human Services Agencies and the Office of Public Instruction. The Act has the potential to strengthen those interagency efforts currently underway to work towards a comprehensive and coordinated service system for children and families.

The Department of Family Services supports House Bill 18. This legislation sets forth a positive direction for the state to support the family unit and focus on family preservation.

EXHIBIT #6
DATE 1-6-93
~~HB~~ 18

Amendments to House Bill No. 18
First Reading Copy

Requested by Rep. Royal Johnson
For the Committee on Human Services and Aging

Prepared by David S. Niss
January 7, 1993

1. Page 5, lines 20 and 21.

Following: "family home" on line 20

Strike: the remainder of line 20 through "services" on line 21

Following: "."

Insert: "This section may not be construed to require a service
or a particular level of service or to grant a right of
action to enforce this section or other law."

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Human Services

COMMITTEE

BILL NO. NB 18

DATE 1-6-93

SPONSOR(S) REP. R. JOHNSON

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
CHARLEY WARNER Box 745, HELENA 59624	ASSOC. OF CHURCHES	X	
Jeanne Kemmies	MT Council for Families	X	
Jeannette L. Humphreys	MT Council for Families		
Mary Walsh	Dept Family Services	X	
Elizabeth Dane	NATIONAL ASSOC. OF SOCIAL WORKERS MT.	X	
Judith Wright	DHES	X	
Marilyn Donnelly	DHES	✓	
Ann Hudson	DFS	✓	
SHARON HOFF	MT CATHOLIC CONFERENCE	X	
Paula Kellman	MT Council for Mental Health	✓	
Ira J. J. J.	Board of Crime Control	✓	
Donnell Macfadyen	DFS / MHA-M	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

EXECUTIVE ACTION ON HB 18

Motion: REP. TIM DOWELL MOVED HB 18 DO PASS.

Discussion: REP. DOWELL stated his support for HB 18.

CHAIRMAN BOHARSKI said HB 18 should be amended by deleting the language "and do not compel a specific level of services" and inserting "this section may not be construed to require a service or particular level of service or grant a right of action to enforce this section or other law".

REP. DOWELL asked CHAIRMAN BOHARSKI what prompted his concern. CHAIRMAN BOHARSKI said his concern was that a third party could take action against DFS or SRS. REP. SIMON said the amendment had been discussed with REP. JOHNSON who had no problem with the amendment. REP. DOWELL said he did not oppose it.

Motion/Vote: CHAIRMAN BOHARSKI moved to adopt the amendment. Question was called. Voice vote was taken. Motion carried unanimously.

Motion/Vote: REP. STELLA JEAN HANSEN MOVED HB 18 DO PASS AS AMENDED. CHAIRMAN BOHARSKI called the question. Voice vote was taken. Motion carried unanimously.

Vote: HB 18 DO PASS AS AMENDED.

EXECUTIVE ACTION ON HB 19

Motion: REP. SQUIRES MOVED HB 19 DO PASS.

Substitute Motion: REP. MOLNAR MOVED HB 19 DO NOT PASS.

Discussion: REP. DOWELL said the interim committee would provide leadership and stated he was against the substitute motion. REP. BARNHART spoke against the substitute motion. REP. SIMON said oftentimes the legislators have issues before them they don't have time to deal with because of their complexity. This is the best money which could be spent to try to address some very difficult problems. A lot of money could be saved by having the interim committee. He stated that he opposed the substitute motion. REP. SMITH spoke in favor of the substitute motion. She said that the issues should be dealt with through coordination of existing agencies. REP. GRIMES spoke in support of HB 19.

Vote: HB 19 DO NOT PASS. Motion failed 2 to 14 with REP. MOLNAR and REP. SMITH voting yes.

Motion/Vote: REP DOWELL moved to REVERSE the DO NOT PASS motion. Motion carried 14 to 2.

Vote: HB 19 DO PASS.

HOUSE OF REPRESENTATIVES

HUMAN SERVICES AND AGING

COMMITTEE

ROLL CALL

DATE 1-8-93

NAME	PRESENT	ABSENT	EXCUSED
REP. BILL BOHARSKI, CHAIRMAN	✓		
REP. BRUCE SIMON, VICE CHAIRMAN	✓		
REP. STELLA JEAN HANSEN, V. CHAIR	✓		
REP. BEVERLY BARNHART	✓		
REP. ELLEN BERGMAN	✓		
REP. JOHN BOHLINGER	✓		
REP. TIM DOWELL	✓		
REP. DUANE GRIMES	✓		
REP. BRAD MOLNAR	✓		
REP. TOM NELSON	✓		
REP. SHEILA RICE	✓		
REP. ANGELA RUSSELL	✓		
REP. TIM SAYLES	✓		
REP. LIZ SMITH	✓		
REP. CAROLYN SQUIRES	✓		
REP. BILL STRIZICH			✓

HOUSE STANDING COMMITTEE REPORT

January 11, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that House Bill 18 (first reading copy -- white) do pass as amended.

Bill E Boharski

Signed: _____
Bill Boharski, Chair

And, that such amendments read:

1. Page 5, lines 20 and 21.

Following: "home" on line 20

Strike: the remainder of line 20 through "services" on line 21

Following: "." on line 21

Insert: "This section may not be construed to require a service or a particular level of service or to grant a right of action to enforce this section or other law."

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

Call to Order: By Senator Dorothy Eck, on January 22, 1993, at
1:00 p.m.

ROLL CALL

Members Present:

Sen. Dorothy Eck, Chair (D)
Sen. Eve Franklin, Vice Chair (D)
Sen. Chris Christiaens (D)
Sen. Tom Hager (R)
Sen. Terry Klampe (D)
Sen. Kenneth Mesaros (R)
Sen. David Rye (R)
Sen. Tom Towe (D)

Members Excused: Senator Tom Hager

Members Absent: None.

Staff Present: Susan Fox, Legislative Council
Laura Turman, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 187, HB 18
Executive Action: None.

HEARING ON HB 18

Opening Statement by Sponsor:

Rep. Royal Johnson, House District 88, Billings, said HB 18 is a "no teeth" bill, but the important thing about this bill is that the Family Policy Act is a statement of purpose, "a map", for the delivery system for the state of Montana and for the agencies in Montana and the user of the system. This bill comes from the Joint Interim Committee on Children and Families. He called the Committee's attention to the high costs (about 16 million dollars annually) associated with removing children from their homes and placing them in foster homes, and how prevention programs "can substantially contribute to family health and stability" to prevent future governmental costs. He requested that the Committee not add many amendments because he said it was

difficult to get HB 18 through the House.

Proponents' Testimony:

Richard Kurstein, representing the Department of Family Services, said the Family Policy Act is a "map" that the Department would be willing to follow because it supports Montana families.

Jeanne Kemmis, Montana Council for Families, said the Family Policy Act is the "vision statement", and the Coordinating Council on Prevention (SB 34) is the structure chosen to implement the Act. She said it is important to direct services towards strengthening and supporting families because the existing services and public policy are now outdated. During the past ten years, the number of families "buckling" has increased, and there is an increase in the number of children taken from their homes and placed in foster homes. The cost of this has doubled in five years. Ms. Kemmis said there is an implicit law which states that when a family fails, the state will intervene, and children will be removed from the home. This policy is "anti-family" because Montana families have to fail first before they can receive assistance. Therefore, she said, it is necessary to have a written policy, and HB 18 has a straight forward goal of supporting families.

Sharon Hoff, Executive Director of the Montana Catholic Conference, said the U.S. Catholic Bishops wrote a document called "Putting Children and Families First". (Exhibit #1) She said the Conference supports legislation which strengthens families.

Nancy Coopersmith, Office of Public Instruction, said Superintendent Nancy Keenan supports HB 18. Ms. Coopersmith said that it is their goal that children come to school, ready to learn. HB 18 is a policy base upon which they can build policies that supports children and families.

Jeana-marie Fiumefreddo, student, University of Montana, provided written testimony. (Exhibit #2)

Judith Carlson, Montana Association of Social Workers, said social workers are in the front line of removing children and breaking up families. She said there are few resources available for programs designed to keep families together. HB 18 would be a guide for departments and appropriations deliberations for putting money into family-based programs.

Paulette Kohman, Executive Director of the Montana Council of Maternal and Child Health, said the Council supports HB 18 because it compliance with their concerns for prevention and early intervention.

Joan-Nell Macfadden, Chairman of the Youth Services Advisory

Council, Co-Chair of the Mental Health Association of Montana Children's Committee, said she is testifying before the Committee on her own behalf. She said she has attended most of the meetings that have to do with developing a Family Policy Act for the state of Montana, and she feels that HB 18 provides a coherent guide for councils, advocates and professionals to work together.

Ed Hall, Administrator of the Board of Crime Control, said the Board supports HB 18. Mr. Hall said a mission statement does a lot to guide bureaucracies to reach their goals.

Joy McGrath, Executive Director of the Mental Health Association of Montana, said the Association has not taken a formal position on HB 18, but it is extremely consistent with the laws by which they gauge intervention and prevention services.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Sen. Christiaens asked Jeanne Kemmis about parent aids working in Montana, and what they do. Jeanne Kemmis said there are some prevention activities in Montana which have come from non-profit organizations, and some private money is raised. These are "shoe string organizations and programs." Ms. Kemmis said she was aware of programs in Billings and Kalispell which train volunteers to become parent aids for high risk families. The problem with this is it takes money to supervise the volunteers. She said Hawaii has a program similar to this which has proven a 96% success rate with high risk families.

Sen. Towe said he was impressed with the language in HB 18 stating that how important and how cost effective it is to keep children in the home, but the conclusion of the amendment on Page 5 makes it sound like that language cannot be used when it comes to removing a child from the home. Rep. Johnson said that was not his interpretation. Rep. Johnson said they didn't want to create problems, and it doesn't take away any of the previously stated goals.

Sen. Towe asked Rep. Royal Johnson if the goals were good, sound ones, why would they affect the custody of the child. Sen. Towe asked Rep. Johnson if the language was "just rhetoric". Sen. Royal Johnson said he wants to get HB 18 passed through the Senate the way it is. Rep. Johnson said if it needs to be changed in the future, that is fine with him.

Richard Kurstein said the support of the Family Policy Act is supported because it is a reference point. It is important that

this direction, the support of families, is supported by the legislature.

Sen. Towe said his concern were Lines 17, 18, and 19, and not the amendment, because if a child is taken from the home, these lines may tell the judge to ignore the language in the code stating how important it is to keep families together. Sen. Towe asked Richard Kurstein if he were uncomfortable with the removal of Lines 17, 18, and 19.

Richard Kurstein said he didn't follow the question.

Chairman Eck said there is concern among social workers that a lot of funds are going towards prevention programs, but their primary charge is to protect the child. Chairman Eck said the Department has a lot of authority regarding the protection of the child by removing it from the home. The concern may be that language will keep the Department of Family Services from ever taking a child from the home. There are difficult legal problems if a child is not removed from the home and suffers harm. Chairman Eck said she thought this is what the language intended to do.

Sen. Towe said he is suggesting if a child is removed from the family based on an existing statute, and the family says that is wrong. Sen. Towe said he would like to site the statements in HB 18 about how important it is to keep a child in the family. If not, are these serious statements?

Richard Kurstein said it was not his impression the Family Policy Act would limit one's ability to reference that language.

Sen. Towe said that is exactly what is said in HB 18. Mr. Kurstein said that was not the intent, and the Department would have no problem with referencing of the Family Policy Act. Family support should be a primary option over removal of a child.

Jeanne Kemmis said she has heard reports that one half to two thirds of foster children do not need to be in foster homes. The problem is that money is available for children who are placed into foster homes, but not available for other alternatives. Ms. Kemmis said HB 18 is the beginning of a reform, so that money will be available for home visitation services for high risk parents and intensive family based services to keep families together. HB 18 sets the policy saying that services need to be developed.

Sen. Towe asked Jeanne Kemmis if the language in question served a purpose. Ms. Kemmis said the language has the purpose of avoiding the circumstance of the State becoming responsible for providing services that do not exist yet.

Closing by Sponsor:

Rep. Royal Johnson called Sen. Towe's attention to Page 7, Line 2 of HB 18. He said a range of services should be available to children and their families. Rep. Johnson said he hoped that the Committee would not change HB 18.

HEARING ON SB 187

Chairman Eck turned the Chair over to Sen. Eve Franklin.

Opening Statement by Sponsor:

Sen. Dorothy Eck, Senate District 40, said SB 187 comes from a request from the Department of Family Services. When the Department was formed, it inherited a Youth Advisory Council which had been a part of the Juvenile Justice System. The concerns of the Council centered primarily around detention of youth. County Commissioners had concerns about the direction of the Department, so five regional advisory boards were set up. However, there was no link between the regional councils and the state council. SB 187 is the Department's recommendation for an advisory council for the Board of Family Services.

Proponents' Testimony:

Joan-Nell Macfadden, Chair of the Youth Services Advisory Council, said SB 187 seeks to rename the Council to become the State Family Services Council, to broaden the Council's role to include an advocacy function, to broaden the Council's representation by including the five chairs of the local family services councils, requiring the Governor to appoint individuals with knowledge and experience in particular areas, and including the presiding officers of the Legislative Committees of the Joint Appropriations Subcommittee on Human Services and Aging, the Committee on Human Services, and the Senate Public Health Chair. The Department of Family Services is seeking to be stable and consistent. The local councils will go from seven to thirteen members to include more variety.

Richard Kurstein, Department of Family Services, said SB 187 places in statute the State Family Services Advisory Council to insure permanency for regional and local councils to the Department. SB 187 lists Native American issues as one area of knowledge members must have. He said the Department would like to offer an amendment, on Page 6, adding under "areas of knowledge", "knowledge of emotionally disturbed youth" which had been removed.

Joy McGrath, Executive Director of the Mental Health Association of Montana, said the Association supports SB 187 because there is a strong need for a coordinated planning effort from the local

ROLL CALL

SENATE COMMITTEE Public Health DATE 1-22-93

[illegible]

What Can We Do?

Individually

As individuals, we can examine our personal commitment to "putting children and families first" in our homes, parishes, and communities. We can make a real effort to spend more time with our families, praying, playing and working together. We can contribute our time and money to programs that serve children and families in our communities. And we can use our voices and votes to help shape a society that allocates resources and enacts policies that support children and families.

In Our Dioceses

Across the Country, dioceses are launching creative local initiatives. They are:

- convening parish and diocesan leaders to coordinate efforts;
- writing local statements on the needs of children and families;
- developing special events and convocations that focus on meeting the needs of children and families;
- starting new programs to serve children and families, including parenting skills training, health care programs, etc.;
- producing media efforts and producing public service announcement to call attention to the needs of children and families;
- launching public policy campaigns to enact local legislation to support children and families;
- as well as many other exciting initiatives.

In Our Parishes

No institution in Catholic life is more important to the Campaign for Children and Families than the parish. Children and families are at the heart of parish life and the parish plays a vital role in supporting families and nurturing children.

In General: We can

- include a quote from *Putting Children and Families First*, in the bulletin;
- plan a Sunday with worship focused on

children and families, education on forces which undermine families, and service and advocacy for children and families;

- use the video, *I Am Only a Child* at parish gatherings.

In Worship: We can

- reflect our concern for children and families within the liturgy through prayers of petition, appropriate homilies, a regular or occasional family Mass, etc.
- identify feasts and liturgical seasons that lend them selves to a focus on children and families (e.g. Advent, Christmas, Epiphany).
- turn special collections (e.g. Campaign for Human Development, American Bishops' Overseas Appeal, etc.) into opportunities to educate, preach and respond to the needs of poor children and families.

In Education: We can

- incorporate our concern for children and families into religious education programs and school curricula;
- encourage students to learn about and offer service to poor children and families as part of their religious education program;
- sponsor special projects such as poster contests, essay contests, field trips to local agencies serving needy children, etc.;
- offer adult education on parenting or public issues.

In Social Ministry: We can

- strengthen or start a service program for the parish as a whole, such as providing a regular meal for a soup kitchen
- publicize service opportunities for individuals or families such as "sponsoring" a child from a developing country, or volunteering for a literacy program;
- educate parishioners about public policies that work against children and families.
- involve parishioners in child and family advocacy through a diocesan or state legislative network, a community organization or a letter writing or telephone campaign.

Resources

The best sources of help and ideas for participation in the Catholic Campaign for Children and Families will be your diocesan offices of social action, education, pro-life, family life, liturgy, and others, as well as your diocesan social service agency.

- *Putting Children and Families First: A Challenge for Our Church, Nation, and World.* The statement of the United States Catholic Conference that forms the basis of the Catholic Campaign for Children and Families. Available from the Office for Publishing and Promotion, USCC, 800-235-USCC. (Pub. No. 469-4).

- *The Parish Manual for the Catholic Campaign for Children and Families.* A compilation of resources including the text of the bishops' statement; liturgical aids; bulletin inserts and clip art; and suggestions for integrating this initiative into parish education, social ministry and family support efforts. Available in English (Pub. No. 525-9) and in Spanish (Pub. No. 534-8) from USCC/OPPS (see above).

- *I Am Only a Child.* A compelling introduction to the bishops' statement, this 14-minute videocassette reflects on the state of the world's children. The tape is available in English or Spanish (\$24.95 prepaid) from Lumen Catechetical Consultants, Inc., P.O. Box 1761, Silver Spring, MD 20915.

For more information contact the Department of Social Development and World Peace (202/541-3195) or any of the other national offices and organizations involved in the Catholic Campaign for Children and Families.

NIÑOS
FAMILIAS
Primero

"Our nation is failing many of our children. Our world is a hostile and dangerous place for millions of children. As pastors in a community deeply committed to serving children and their families, and as teachers of a faith that celebrates the gift of children, we seek to call attention to this crisis and to fashion a response that builds on the values of our faith, the experience of our community, and the love and compassion of our people."

U.S. Catholic Bishops
Putting Children and Families First

SENATE HEALTH & WELFARE

EXHIBIT NO. 1
DATE 1-22-93
BAL. # 87818

A CATHOLIC
CHILDREN
AND
FAMILIES
first
CAMPAIGN

In November, 1991, the bishops of the United States issued a statement that called for renewed attention to children and families in our homes, our parishes, our communities, our nation, and our world. *Putting Children and Families First: A Challenge for Our Church, Nation, and World* challenges Catholics and others to engage in "a spiritual and social reawakening to the moral and human cost of neglecting our children." This initiative brings together social justice, family life, human service, pro-life, education and other agendas within our church in a common campaign for children and families.

PUTTING CHILDREN AND FAMILIES FIRST

While many children lead happy, secure, safe lives, too many others in our country and throughout the world do not. Every year, 1.6 million innocent children's lives are destroyed by legalized abortion in the U.S. alone. One in four children in this country lives in poverty. Every day throughout the world, 44,000 children die from poverty, hunger and related problems.

The Catholic community brings to this moral challenge three key assets: the values of the Scriptures where children are seen as blessings, the message of Catholic teaching which calls us to measure society by how children and families fare, and our experience in serving children and their families. We support their spiritual life in our parishes, we educate them in our schools, we care for them in our hospitals, and we provide a wide range of supportive services through our charitable and outreach programs.

While the bishops recognize that our homes, neighborhoods, parishes, and communities are where the most important work to support children occurs, they also recognize the role public policy can play in strengthening or undermining families.

"No government can love a child and no policy can substitute for a family's care, but clearly families can be helped or hurt in their irreplaceable roles. Government can either support or undermine families as they cope with the moral, social, and economic stresses of caring for children."

Further, the bishops decry an unnecessary and unreal polarization about how to help families, which has pitted those who promote more personal responsibility against those who support "family friendly" policies.

"The undeniable fact is that our children's future is shaped both by the values of their parents and the policies of our nation...We believe parental responsibility and broader social responsibility, changed behavior and changed policies are complementary requirements to help families."

CRITERIA FOR NATIONAL POLICY

The bishops suggest seven criteria for pro-family public policies:

- Put children and families first in the allocation of resources and the focus of public life.
- Help; don't hurt. Support policies that strengthen rather than undermine families.
- Those with the greatest need require the greatest response.
- Empower families. Help families meet their responsibilities to their children.
- Fight economic and social forces which threaten children and family life.
- Build on the strengths of families; reward responsibility and sacrifice for children.
- Recognize that foreign policy is increasingly children's policy.

THE CALL TO ACTION

Pointing to the many helpless and hopeless children who haunt our world, the bishops call on all of us to turn our values into action on behalf of children and families.

"We hope the Catholic community will become a persistent, informed and committed voice for children and families, urging all American institutions from neighborhood associations to the federal government to put our children first."

DIRECTIONS FOR PUBLIC POLICY

NATIONAL POLICY DIRECTIONS

1. Protect the lives of children by opposing abortion and government funding of abortion.
2. Protect family members from abuse by prohibiting pornography, reforming family services, and increasing support for adoption and foster care.
3. Promote decent jobs at decent wages, and support adequate job training.
4. Reform the tax laws to help families cope with the high cost of raising children -- e.g. a children's tax credit.
5. Provide for poor children through adequate welfare benefits and policies that promote family stability, not separation.
6. Promote family-friendly workplace policies such as family and medical leave protection.
7. Promote equal opportunity in education, affirmative action in employment and nondiscrimination in housing.
8. Promote quality education by offering programs like HeadStart, and vouchers or tax credits that allow school choice.
9. Support basic nutrition programs like food stamps and the Women, Infant and Children (WIC) program.
10. Extend quality health care to all, beginning with our children and their mothers.
11. Support housing, planning, and zoning policies that promote affordable housing.
12. Provide appropriate medical, educational, rehabilitative and social services for persons with disabilities, and ensure full implementation of the Americans with Disabilities Act.
13. Embrace a "children first" principle in cases of divorce, and strengthen child support enforcement policies.

INTERNATIONAL POLICY DIRECTIONS

1. Meet the basic needs of children throughout the world, including shelter, food, health care, education, and the elimination of child labor, children in military service, and other exploitative practices.
2. Shape U.S. economic policies that include:
 - an international trading system that discourages the exploitation of children by ensuring that poor countries receive fair prices for their exports;
 - a foreign aid program that places emphasis on the needs of children and families rather than security and military interests;
 - a global financial system that recognizes the economic and social costs to families of developing countries' massive external debt, and pursues ways to relieve it equitably and realistically.
3. Oppose coercive population and abortion policies and discrimination against women.

Chairman and members of the committee, I am Jeana-marie Fiumefreddo

a student at the University of Montana.

SENATE HEALTH & WELFARE

EXHIBIT NO. 2

DATE 1-22-93

PAGE 4B18

I began my life with three strikes against me. I happened to be the first born, of the fourth generation of abusive families. As a result my parents were never taught to be healthy, nurturing parents, and I payed the price.

However, after fifteen years my mother gained the courage to break the cycle, and removed me and my sister and brother from further more deadly violence. This action did not eliminate the resisual effects of the abuse. My family to this day stuggles to pull itself together.

This is not even the worst part. Another generation has been born. My daughter was born almost five-and-a-half years ago. She was born to a mother who had never learned appropriate parenting skills. Not only did I lack the skills to be a good parent, I didn't have any recourses to help me, or even the skills to find any recourses, which might have been available.

My husband, John, and I struggled to make ends meet, and four years ago an artic front hit. It put our only vehicle out of commition. John was not able to get to hes minimum wage job, and as a result lost it. We ended up on AFDC. Our marriage began to deteriorate, and our inocent child Jessica began to feel the effects. We swore that we would never abuse her, however those words are much easier to say. As our frustrations from the stress of life rose, and it became easier to swat Jessica, due to our impatientis, for the smallest infraction. We knew nothing else.

It took a year before we found, after hunting for them, an agency to begin to eliviate the stress. The agency finally led to another, and we were finally able to get the help we needed.

However, there are many families who are not able to stumble across services as we did. And unfortunately its the innocent children like Jessica who pay the price.

I believe that this bill will lay the foundation for Montana, to work toward eliminating child abuse. It could be the difference between a child like Jessica faceing early death, or a life of misery, or it could be a chance for a successful start for a nurturing family.

DATE 1-22-93

SENATE COMMITTEE ON Public Health

BILLS BEING HEARD TODAY: HB 18, SB 187

Name	Representing	Bill No.	Check One Support Oppose	
Seana-marie L. Fiume-Schub	Montana Council for Families	HB 18		
Janne Kemmis	"	"		
Wally Cooperman	OPI	HB 18	✓	
SHARON HOFF	MT CATHOLIC CONF	HB 18	✓	
JUDITH CARLSON	MT ASSN SOCIAL WORKERS	HB 18	✓	
Ed Hall	MBCC	HB 18	✓	
Rep Roun J. Johnson		HB 18 187		
Kathleen Korman	MT Council Maternal & Child Health	HB 18 187	✓ ✓	
Conn Smith	MAHSC	187		✓
Marlene & Marge Spier	(Visiting only)			
Janne Kemmis	m			
Janne Kemmis	self	SB 187		
Jan-nell Macfadden	DES	SB 187	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

allocation, and Board meetings would be adjusted to comply with this.

Sen. Christiaens asked about making membership more inclusive rather than exclusive. Sen. Towe said the amendments may answer this.

Motion:

Sen. Towe moved the amendments to SB 187.

Discussion:

Susan Fox, Legislative Council, went over the amendments to SB 187. (Exhibit #2)

Chairman Eck expressed concerns about having many providers be Board members, but she didn't think that would be the case.

Sen. Christiaens asked how an individual would know about appointments being made to the Board, and how would an individual go about submitting his name to serve on the Board. Chairman Eck said interested people should let their County Commissioners know that they want to serve. In some cases, the newspapers will print that County Commissioners are seeking applicants to serve.

Sen. Towe said it was the job of the County Commissioners to let interested individuals know of opening vacancies on the Board.

Vote:

The motion of the amendments to SB 187 carried unanimously.

Motion/Vote:

Sen. Franklin moved that SB 187 DO PASS AS AMENDED. The motion carried unanimously.

EXECUTIVE ACTION ON HB 18

Discussion:

Sen. Towe went over his amendment, (Exhibit #3) which he said "is confusing" and "seems to take back everything that was said in the first five pages of this bill." He said he didn't like not having the option to use the language in the first five pages of HB 18 in a court case if a child was being taken from a home. If HB 18 is state policy, the judge should be able to take this into consideration.

Chairman Eck asked Sen. Towe if he had spoken with the Department of Family Services. Sen. Towe said he had. Susan Fox said the

Department didn't specifically object to the amendment.

Chairman Eck asked if HB 18 limited when a child could be taken from his home. Sen. Towe said no. Sen. Towe said there is a statute that spells out when a child can be taken from the home. He said this language in HB 18, which he proposed be taken out, stated that the language on the first five pages of HB 18 couldn't be used against the Department of Family Services when a child is removed from the home.

Motion:

Sen. Towe moved the amendments to HB 18.

Vote:

The motion carried unanimously.

Motion/Vote:

Sen. Towe moved that HB 18 DO PASS AS AMENDED. The motion carried unanimously.

EXECUTIVE ACTION ON SB 89

Discussion:

Susan Fox said the provisions of the statute regarding dispensing pharmaceuticals must be followed by medical practitioners and physician assistants. Ms. Fox said the provisions regarding pharmacists and the ten mile rule apply.

Motion/Vote:

Sen. Franklin moved that SB 89 DO PASS AS AMENDED. The motion carried unanimously.

ROLL CALL

SENATE COMMITTEE Public Health DATE 1-25-93

[illegible]

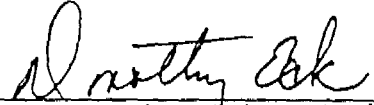
SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 25, 1993

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 18 (first reading copy -- blue), respectfully report that House Bill No. 18 be amended as follows and as so amended be concurred in.

Signed: _____



Senator Dorothy Eck, Chair

That such amendments read:

1. Page 5, lines 17 through 20.

Following: "families" on line 17

Strike: "and" on line 17 through "home" on line 20

-END-

Amendments to House Bill No. 18
Third Reading Copy

Requested by Sen. Towe
For the Committee on Public Health, Welfare, and Safety

Prepared by Susan B. Fox
January 25, 1993

1. Page 5, lines 17 through 20.
Following: "families" on line 17
Strike: "and" on line 17 through "home" on line 20

SENATE COMMITTEE ON WELFARE
ENROLL NO. 3
DATE 1-25-93
BILL NO. HB 18